

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 25TH DAY OF SEPTEMBER 2006, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins (arrived 7:15 p.m.)	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	James D. Politis	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

ADDENDUM

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the following addendum dated September 25, 2006 was added to Closed Meeting:

- Section 2.2-3711 (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
6. County Attorney

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Agency on Aging
 2. Alcohol Safety Action Program
 3. Parks & Recreation Commission
 4. Towing Advisory Board
 5. Board of Equalization
 6. County Attorney

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		Annette S. Perkins
Gary D. Creed		
John A. Muffo		
Steve L. Spradlin		

Supervisor Perkins arrived at 7:15 p.m.

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		
Mary W. Biggs		
Steve L. Spradlin		

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Gary D. Creed
John A. Muffo
Annette S. Perkins
Mary W. Biggs
Doug Marrs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

Supervisor Perkins certified for the time she was present in Closed Meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION OF AWARD

Law Enforcement Challenge Award

Don Allen, Virginia Association of Chiefs of Police, presented the Montgomery County Sheriff's Office with the 2005 Law Enforcement Challenge Award. The Montgomery County Sheriff's Office received first place in Virginia for the Sheriff's Office Category with 76-125 full-time Deputies. They also received first place in the national competition.

The Law Enforcement Challenge is a competition between similar sizes and types of law enforcement agencies. It recognizes and rewards the best overall traffic safety programs in Virginia and the United States.

This is the fourth consecutive year the Sheriff's Office has received this award, which is an outstanding achievement.

PUBLIC HEARINGS

Rezoning Request – Roger Woody – CONTINUED TO OCTOBER 23, 2006

Roger Woody requests to rezone approximately 28.32 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, to allow general business uses. The property is located on the northeast side of Farmview Road, east of North Franklin St (US 460 BUS) and west of the US Route 460 (Bypass), and is identified as Tax Parcel No(s). 79-A-23, 24-26, 26A; 79-A-142, 143-147 (Acct #'s 017576, 021678, 026179, 021680, 032861, 001650, 006010, 021677, 001730, 029424, 001729) in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

At their September 13, 2006 meeting, the Planning Commission tabled this request until their October 18, 2006 meeting to allow VDOT and the Town of Christiansburg to review the traffic study and provide comments. Therefore, the Board of Supervisors continues this public hearing until October 23, 2006.

Agriculture & Forestal District - 14 Renewal

Renewals and additions to an existing Agriculture & Forestal District (AFD)

Agricultural & Forestal District – 14(Alleghany Springs)	
Name	Acreage
Richard G. & Diane M. Hyatt	322.004
Phillip K. Wickham & Kim N. Thi	159.825

The Planning Director reported the above citizens have requested renewal of their property in the Agriculture and Forestal District. AFD's are established under Virginia State Code to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestall lands for the protection of food and other agricultural valued natural and ecological resources which provide essential open space for clean air sheds, watershed protection, wildlife habitat, as well as aesthetic purposes.

Montgomery County currently has 11 AFDs encompassing almost 28,000 acres owned by 147 landowners. AFDs come up for review and renewal on an eight year cycle. The above AFD is up for renewal.

The Board of Supervisors directed the AFD Advisory Committee and Planning Commission to review the above AFD under the renewal process. The AFD Advisory Committee conducted a field review on August 31, 2006 and concluded both landowners are fulfilling the intent of the AFD program and that the properties are being adequately managed. By a unanimous vote, the AFD Advisory Committee recommended renewal of AFD-14 for an additional 8-year period.

On September 13, 2006, the Planning Commission conducted a public hearing on the requested renewal of AFD-14 and unanimously recommended approval of AFD-14 for an additional 8-year period.

There being no speakers, the public hearing was closed.

Rezoning Request – R.R. Harkrader, Jr. (Agents: R. Fralin Development Corp. and Balzer & Associates, Inc.)

R.R. Harkrader, Jr. (Agents: R. Fralin Development Corp. & Balzer & Associates, Inc.) request to rezone approximately 63.224 acres of a 120.397 acre tract from Agriculture (A-1) to Planned Unit Development Residential (PUD-Res), with proffered conditions, to allow the development of up to 194 residential dwellings. The property is located north west of the intersection of MudPike Road (Rte.666) and Harkrader Street and is identified as Tax Parcel Nos. 92-A-62,62B,63,& 76 (Acct # 008099, 008101) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator provided a brief summary on the above request. This request was heard before the Board of Supervisors on July 24, 2006 as a public hearing. The Board referred this request back to the Planning Commission for further review. The Planning Commission discussed this request again at their September 13, 2006 and September 20, 2006 meetings. The applicant is aware of the concerns about potential traffic impacts and over crowding of the school system. They have submitted revised proffers to help alleviate these concerns, such as proffering various street improvements at specific stages in the development, and no more than 20 lots per year shall be sold for the first three years after the date of approval of the rezoning.

The Zoning Administrator reported the major concern with the development is the lack of direct access from the development to a major road, such as Radford Road (Route 11). The developer proffered that they agree to pay for the construction of a connector road to Radford Road (Route 11) if Montgomery County or the developer procures the required right-of-way. This proffer will be in full force for 5 years. If the required right-of-way is not obtained then the proffer shall become null and void.

At their September 20, 2006 meeting, the Planning Commission recommended approval of the request with the acceptance of 24 proffered conditions.

Steve Semones, Balzer & Associates, provided a summary of the traffic study on the proposed development. Mr. Semones commented that they went back and reviewed the traffic study with Anderson and Associates. They have revised some of the plans to help mitigate the traffic impact to the proposed development and surrounding neighborhoods. They proposed to restripe Moose Drive to allow for a right turn taper. They plan to construct a connector road from the development to Mud Pike to help take traffic off Moose Drive since that is a direct route to the Christiansburg Middle School. As the Zoning Administrator reported, they will continue to work on getting a connector road to Radford Road.

Robert Fralin, R. Fralin Development Corp, addressed concerns that were voiced about the development and discussed the proffers to help alleviate these concerns. Mr. Fralin reported they have reviewed the proposed development since the Planning Commission public hearing and have revised and added proffers to better the plan.

Michael Miller addressed the Board with his concerns about the proposed development. Mr. Fralin has met with the neighboring residents and has worked with them to resolve their issues. Mr. Miller still believes that the density of the proposed development is higher than he would like. The Grandview entrance is still an issue, with a left turn only sign to be installed. Mr. Miller also discussed a bigger issue in Montgomery County, which is the large amount of growth the County is experiencing. The citizens of the county have to pay for the infrastructure needed for the growth. He asked the Board to create a standing Advisory Board, made up of citizens, to provide recommendations and input about the growth in the County.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Amy Shea addressed the Board regarding the need for a new Elliston/Lafayette Elementary School. The current school was built in 1962 to accommodate 121 students. Last years school enrollment was 262 students. Ms. Shea spoke of reasons why a new school is needed, such as the numerous mobile units in use, lack of a gym, leaking ceilings, and safety issues with the use of outside mobile units. Despite these obstacles, the Elliston/Lafayette Elementary School has achieved full accreditation. She urged the Board to build a new school.

David Dudley addressed the Board with several issues. The first is regarding Kirk Hollow Road. Mr. Dudley spoke before the Board regarding these issues last month and nothing has yet been done. The Montgomery County Sheriff's Office has been patrolling the area which has helped reduce the speeding; however, the brush still needs to be cut back and there is a need for ditching work. Mr. Dudley asked for the Board's help to get these road issues resolved. Secondly, Mr. Dudley addressed concerns about an incident regarding his grandson and a school bus driver for the Montgomery County Public Schools. His grandson was ordered to leave the school bus after he entered. He believes that once a child is on the school bus, they should not be made to get off. Thirdly, Mr. Dudley expressed his opposition to the NS Intermodal Facility Site in Elliston.

Kitty Felty spoke in support of a new school in Elliston. Ms. Felty stated she had no problem with combining Shawsville Elementary School and Elliston/Lafayette Elementary School into one elementary school.

Fred Apgar spoke in opposition to the proposed NS Intermodal Facility in Elliston. Mr. Apgar stated this facility would be located directly in front of his house. He believes this facility is not good for the community as it will impact traffic on US 460 by creating more train traffic and truck traffic and will displace citizens in Elliston. Mr. Apgar stated there are other sites available that would be suitable for this facility.

Fomoso Worrell spoke in opposition to the proposed NS Intermodal Facility in Elliston. He believes the facility is not good for the community and that the taxpayers would be the ones funding the facility. Mr. Worrell stated that Norfolk Southern need to look for other potential sites, not just Elliston.

Martha Orrick spoke in opposition to the proposed NS Intermodal Facility in Elliston. Ms. Orrick stated if you look at the big picture, Norfolk Southern is proposing to transport trailers and take trucks off I-81; however, the small picture is not good for the community. The proposed facility would encourage growth that is opposite to what is proposed in the comprehensive plan. The proposed site would also destroy the natural resources in the area such as endangered plants and animal species. Ms. Orrick submitted a letter from the Department of Conservation and Recreation outlining which conservation sites and stream conservation sites that would be affected by this facility. She asked the Board to request NS to look for other sites, and she supports the Board's resolution opposing the Intermodal Facility.

George Smith spoke in opposition to the proposed NS Intermodal Facility in Elliston. Mr. Smith stated such a facility would impact the safety and welfare of the community. He explained he was the medical examiner for Montgomery County years ago, before the I-81 was constructed, and would be called out to certify a death related to vehicle accidents on US 11/460 in Elliston/Shawsville. There would be 20 –30 deaths per year due to the amount of traffic on US 460. This community does not need the amount of traffic like before. There is enough traffic along this stretch of road, and it will increase if an intermodal site is built.

Mike Hawes spoke in opposition to the proposed NS Intermodal Facility in Elliston. Mr. Hawes listed several reasons why Elliston is not a suitable site. This facility would only employ 15 people located on a 50 acre site; this type of facility is not in the comprehensive plan; and will be

paid for by taxpayers dollars, not Norfolk Southern. Mr. Hawes expressed frustration that NS is not giving any information to the Board of Supervisors or to the citizens about this proposal. He believes there are other sites available such as Roanoke County and Pulaski County, where a facility such as this would be welcome.

Anita Barrado spoke in opposition to the proposed NS Intermodal Facility. Ms. Barrado expressed concerns about the projected increase in truck traffic, safety issues, fire department not equipped to handle such a facility, and the fact that there are three schools in the Elliston/Shawsville area.

Michael Hemphill spoke in opposition to the proposed NS Intermodal Facility. Mr. Hemphill stated the citizens of Elliston have built up their community with a new high school, library, future YMCA and community center. He expressed concerns with public safety, and the limited resources of law enforcement. Mr. Hemphill encouraged the Board to get the Sheriff's input on the facility and how it would impact the Sheriff's Office.

Karen Waldron spoke in opposition to the proposed NS Intermodal Facility. There is a special General Assembly session on Wednesday, September 27, 2006 on transportation. We need to send a strong message to the General Assembly that Montgomery County does not want Norfolk Southern to determine the future for Elliston and that we do not want this facility in our community.

There being no further speakers, the public address session was closed.

DELEGATION

Department of Social Services

Linda Nisbett, Director of Department of Social Services, requested the Board of Supervisors to include additional administrative funding for social services as part of its legislative priorities. Over the last four years the eligibility caseloads have increased an total average of 80%. During these four years the state and federal government have mandated over 1129 policy or procedural changes that have added to our workload. In 2002, 19 workers had an average of 241 cases and in 2006, 20 workers had an average of 547 cases. There has been a 50% employee turnover rate in the past two years.

Local Social Services agencies are in the need of additional administrative funding to improve the quality of services. The federal Child and Family Services Review identified several areas of improvement needed statewide in child welfare services. The state was mandated to create a Program Improvement Plan under threat of federal fiscal sanctions. State and local staff created a conservative estimated cost of implementing the plan statewide at a cost for more than \$26.5 million. The Virginia Department of Social Services requested Governor Warner to include this in the state budget, which was not included.

In a 15 year period, there has been an average increase in social services administrative funding of 2.5% annually, which covered state determined salary increases, but provided no additional operating funding. Increased caseloads has added to operation and maintenance costs such as paper, ink cartridges, postage, file space, and other costs incurred to operate an office. The State is not keeping up with its responsibilities to local social services agencies, leaving that responsibility to local governments.

The Montgomery County Social Services is asking the Board to request additional administrative funding for Social Services administration in its 2007 legislative priorities and lobby our state legislators. It is time for the state to recognize its responsibilities for social service funding.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated September 25, 2006 was approved. The vote on the foregoing motion was as follows:

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
Gary D. Creed		
Steve L. Spradlin		

R-FY-07-49 SCHEDULE PUBLIC HEARING AEP EASEMENT REQUEST AT THE MEADOWBROOK LIBRARY FACILITY

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby schedules a public hearing on Monday, October 23, 2006 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia in order to hear citizens comments on granting a utility easement to American Electric Power to provide electrical services on the leased portion of the Meadowbrook Facility located at 267 Alleghany Spring Road, Shawsville, Virginia.

A-FY-07-40
SHERIFF
PRICES MOUNTAIN TOWER
CARRY FORWARD FY 06 FUNDS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

320	Sheriff - County	\$42,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02- 451203	Undesignated Fund Balance	\$42,000

Said resolution appropriates a portion of the Sheriff's Department's funds that remained at June 30, 2006 to pay for the new radio tower on Price Mountain.

A-FY-07-41
SHERIFF
DMV GRANT APPROPRIATION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

321	Sheriff Grants	\$30,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	State Grants	\$30,000

Said resolution appropriates monies from two DMV grants, Increasing Seat Belt Use and Reducing Drunken and Drugged Driving.

A-FY-07-42
SCHOOL OPERATING FUND
SCHOOL RESOURCE OFFICER

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the School Operating Fund appropriation was adjusted for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

561000	Instruction	(\$15,464)
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451100	Transfer from General Fund	(\$15,464)
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Said resolution reduces the School Operating fund by the amount of local funding required for a school resource officer position.

A-FY-07-43
SCHOOL OPERATING FUND
CARRY FORWARD
PURCHASE ORDER ENCUMBRANCES FROM FY 06

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

School Operating		
561000	Instruction	\$ 18,805
562000	Admin, Attendance, Health	28,008
564000	Operations and Maintenance	143,383
563000	Transportation	<u>771,805</u>
	Total	\$962,001

The source of funds for the foregoing appropriation is as follows:

Revenue Account:

Transfer from General Fund	\$962,001
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Said resolution re-appropriates monies supporting the balances of outstanding purchase orders for the Schools.

A-FY-07-44
SCHOOL OPERATING FUND
CARRY FORWARD FY 06 GRANT BALANCES

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

School Operating		
561000	Instruction	106,270

The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>	
Transfer from General Fund	\$106,270

Said resolution appropriates unspent school operating funds received from grant funds which were remaining at June 30, 2006.

NEW BUSINESS

R-FY-07-50
RESOLUTION IN OPPOSITION OF THE
PROPOSED NORFOLK SOUTHERN
INTERMODAL FACILITY LOCATING IN THE ELLISTON
COMMUNITY OF MONTGOMERY COUNTY, VIRGINIA

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Norfolk Southern has indicated that a certain portion of land adjoining State Route 460 in the Elliston Community of Montgomery County has been identified as the preferred site for Norfolk Southern to locate an Intermodal Facility to serve Norfolk Southern's Heartland Corridor; and

WHEREAS, A portion of the proposed Norfolk Southern Intermodal Facility is to be located within the County's Resource Stewardship land designation as shown in the 2025 County Comprehensive Plan which is not a land designation qualified for industrial land use such as a Railroad Intermodal Site; and

WHEREAS, Since the proposed Norfolk Southern Intermodal Facility will entail a large expansion of impervious area, there will be significant water quality concerns for the Roanoke River and the overall rural environment of the Community due to pollutant run off from the proposed Facility; and

WHEREAS, The proposed Intermodal Facility will generate an increase in truck traffic through the Villages of Shawsville, Elliston and Lafayette which is not compatible with the rural residential development associated with these Villages; and

WHEREAS, Due to the proposed Intermodal Facility not being in compliance with the County Comprehensive Plan, and the proposed Facility having a negative environmental impact on the Roanoke River and the rural environment of the Community and the increase in truck traffic traveling through the Villages of Shawsville, Elliston and Lafayette to and from the proposed Intermodal Facility, the Board of Supervisors of the County of Montgomery opposes the proposed Norfolk Southern Intermodal Facility locating at the identified preferred site of Norfolk Southern in the Community of Elliston because of the negative land use impacts on the Community associated with the proposed Intermodal Facility.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby opposes the proposed Norfolk Southern Intermodal Facility locating in the Elliston Community of Montgomery County, Virginia, because (1) the proposed Intermodal Facility does not comply with the County 2025 Comprehensive Plan; (2) the proposed Intermodal Facility will have a negative environmental impact on the Roanoke River and the rural environment of the area; and (3) the proposed Facility will increase truck traffic traveling through the Villages of Shawsville, Elliston and Lafayette to and from the proposed Intermodal Facility which is not compatible with the rural residential development of these Villages.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mary W. Biggs	None	Doug Marrs	James D. Politis
Annette S. Perkins		Steve L. Spradlin	
John A. Muffo			
Gary D. Creed			

Supervisor Spradlin and Supervisor Marrs both abstained commenting that it is presumptuous to oppose at this time before hearing the facts from Norfolk Southern. They do not have the facts to make an informative decision. Norfolk Southern has agreed to appear before the Board at their October 9, 2006 meeting.

R-FY-07-51
RESOLUTION TERMINATING THE
GREEN BOX SITE LEASE AGREEMENT
WITH SUNNYSIDE PENTECOSTAL
HOLINESS CHURCH

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, On July 7, 1986, the Board of Supervisors of Montgomery County, Virginia, entered into a Greenbox Site Lease Agreement with the Sunnyside Pentecostal Holiness Church to use approximately three-fourths of an acre of Church property located on State Route 655 for the placement of refuse containers (Greenboxes) for the public disposal of residential solid waste (the "Sunnyside Site"); and

WHEREAS, The County has opened the McCoy Consolidated Waste Disposal Site that serves the residents who brought their residential solid waste to the Sunnyside Site; and

WHEREAS, The County has closed the Sunnyside Site and no longer has a need to lease the property from the Sunnyside Pentecostal Holiness Church; and

WHEREAS, Since the Sunnyside Site is no longer needed, the Board of Supervisors desires to terminate the Greenbox Site Lease Agreement dated July 7, 1986 with Sunnyside Pentecostal Holiness Church.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board hereby terminates the Board's Greenbox Site Lease Agreement dated July 7, 1986, with the Sunnyside Pentecostal Holiness Church to use the Church's property on State Route 655 for the placement of refuse containers for the public disposal of residential solid waste effective immediately.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes and directs the County Attorney to advise the Sunnyside Pentecostal Holiness Church of the Board's decision to terminate the Lease Agreement and to thank the Church for the public use of the property.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Steve L. Spradlin		

R-FY-07-46
ALCOHOL SAFETY ACTION PROGRAM
APPOINTMENT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Bradley W. Finch** to the Alcohol Safety Action Program (New River Valley) effective September 26, 2006 and expiring September 25, 2007

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Steve L. Spradlin		

R-FY-07-47
TOWING ADVISORY BOARD
APPOINTMENT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Matt McMurray** as **Towing and Recovery Operator company representative** and reappoints **Jeff Gibson** as **alternate** to the Towing Advisory Board effective September 26, 2006 and expiring September 25, 2010.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Steve L. Spradlin		

R-FY-07-48
NEW RIVER VALLEY
AGENCY ON AGING
APPOINTMENT

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Robert E. Gribben** to the **New River Valley Agency on Aging** effective October 1, 2006 and expiring September 30, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Steve L. Spradlin		

R-FY-07-52
BOARD OF SUPERVISORS
NOVEMBER MEETING
CHANGE MEETING DATE

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in November on **Wednesday, November 15, 2006 at 6:00 p.m.**

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Steve L. Spradlin		

R-FY-07-53
SIX-YEAR SECONDARY ROAD IMPROVEMENT PLAN
RE-SCHEDULE JOINT PUBLIC HEARING
WITH DEPARTMENT OF TRANSPORTATION

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby cancels the joint public hearing with the Virginia Department of Transportation (VDoT) on Tuesday, October 10, 2006 at 7:15 p.m. and **re-schedules** the joint public hearing with VDoT for **Wednesday, November 15, 2006** at 7:15 p.m., or as soon thereafter, in the Board Chambers, Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia to hear citizens' comments on the proposed **Six-Year Secondary Road Improvement Plan** for Montgomery County for Fiscal Years 2007/08 through 2012/13 and on the establishment of priorities for the 2007-2008 budget years. **Rural Addition** requests will also be received at this public hearing.

BE IT FURTHER RESOLVED, That the Virginia Department of Transportation will assure proper advertising of said public hearing.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Steve L. Spradlin		

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Sheriff – Home Electronic Monitoring Program
2. Auburn Strand School Lot Coverage

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Steve L. Spradlin		

Home Electronic Monitoring Program

Sheriff Tommy Whitt and Captain Robbie Hall gave a presentation on the Home Electronic Monitoring Program (HEMP). Fall of 2008 is the projected date for the opening of the new Western Virginia Regional Jail. Under the Community Corrections Plan for the regional jail a home electronic monitoring program is recommended. The local jail needs to start this process now to implement the program.

An HEMP diverts eligible offenders from jail confinement to electronic monitoring. The offenders can attend school or work with monitoring. State law defines who is not eligible and each offender is evaluated for compliance with established policies. The program is designed for non-violent offenders and weekenders.

Sheriff Whitt provided cost estimates on the proposed HEMP. Two deputy positions would be required to manage the program with an estimated on-going caseload of 20 offenders, at an annual cost of \$91,682. The HEMP Equipment would be leased at an estimated costs of \$63,875 yearly (\$8.75 per day x 20 offenders x 365). There would be a nominal startup costs for computer equipment and drug test kits for each offender on a weekly basis at \$3,380. Total estimated cost is \$160,437. To help offset these costs fees can be charged to the offender to recover program costs and drug screens. The State Compensation Board will reimburse the County \$8 per day, per offender. Total estimated fees to be collected to help offset costs are \$156,900. While fees would be charged to recover a portion of the costs, not all offenders would be able to pay, and initial funds for start up costs would be required.

The Sheriff's Office is proposing to start the program January 1, 2007 with 10 offenders instead of 20, requiring only one deputy position for eight months and monitoring the offenders for six months, and hire a second deputy in July 2007 and expand the program to 20 offenders.

The Sheriff requested that the Board of Supervisors appropriate \$35,000 for November 1, 2006 – June 30, 2007 to cover the cost of a deputy and start up costs.

Auburn Strand School Lot Coverage

The County Administrator provided information on the lot coverage at the Auburn Middle/High School site under the current zoning of Agriculture (A-1). Under A-1 zoning no more than 20% of any lot can be covered by buildings or other impervious surfaces unless approved by a special use permit, but cannot exceed 25%. The school properties are made up of a number of individual parcels totaling 82+ acres. Maximum coverage up to 16+ acres would be permitted by right. Coverage of 2+ acres would not be permitted under the existing A-1 zoning. There are two possibilities for rezoning to allow more than 25% lot coverage. Either rezone to General Business (GB) or Residential R-2. Both zonings are currently found adjacent to the Auburn school property. The General Business zoning allows lighted parks, whereas R-2 requires a special use permit. Maximum coverages permitted under GB and R-1 are:

	<u>GB</u>	<u>R-1</u>
Maximum coverage by buildings	40%	30%
Maximum impervious surface	85%	50%

The County owns the Auburn Elementary School property and the School Board owns the Auburn Middle/High School property. Both the Board of Supervisors and School Board would have to file separate applications for rezoning.

The County Administrator asked the Board to review both alternatives and instruct him on how to proceed with the rezoning. He will also contact the School Board on how they wish to proceed.

OUT OF WORK SESSION

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
Steve L. Spradlin		

COUNTY ADMINISTRATOR'S REPORT

1. **Montgomery County Legislative Program**

The County Administrator provided the Board with a copy of their Legislative Priorities from last year. He asked that they review the list and make any deletions or additions as necessary. The Board will need to finalize their 2007 legislative priorities by October 9, 2006.

2. **Change Date for the First Board of Supervisors Meeting in October**

The County Administrator reported that the Board's first meeting in October is scheduled for Tuesday, October 10, 2006 due to Monday, October 9, 2006 being a holiday. In order for the Board to schedule their meeting for Monday, they would need to adopt a resolution.

R-FY-07-54 BOARD OF SUPERVISORS CHANGE OCTOBER MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in October on **Monday, October 9, 2006 at 6:00 p.m.** for closed meeting and 7:15 p.m. for regular meeting.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Steve L. Spradlin		

BOARD MEMBERS' REPORT

Supervisor Creed requested the Board of Supervisors send a statement to Governor Kaine regarding the proposed Intermodal Facility in Elliston. If there are other alternate sites, please consider them.

Supervisor Biggs reported that the School Board provided updated enrollment figures for the school system. She asked that this report be provided to the other Board members.

Transportation Funding Bills – Supervisors Biggs requested that staff provide the Board with information on the proposed legislation on transportation funding. Particularly, changes to the revenue sharing program and changes that would make local governments more accountable and

responsible for potential impact of their land use decisions on the transportation system, such as the number of subdivision streets being added to the state secondary system. The County Attorney will provide Board members with this information.

Supervisor Perkins reported that the School Board is planning a series of meetings through out the County to discuss school facilities, to find out what the citizens want. Supervisor Perkins also reported that Christiansburg Middle School has a student population of 820 children. This is the largest school population in the county. There has been a tremendous growth in the Christiansburg strand.

Supervisor Spradlin asked that the following be invited to the legislative dinner meeting: Town of Blacksburg, Town of Christiansburg, School Board, Constitutional Officers, and Department of Social Services.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the Board adjourned to Monday, October 9, 2006 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Steve L. Spradlin		

The meeting adjourned at 9:45 p.m.

APPROVED: _____	ATTEST: _____
Steve Spradlin Chair	B. Clayton Goodman, III County Administrator